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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,694	10/16/2003	Hyun-Kwon Chung	1793.1074	6773

49455 7590 05/17/2007

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EXAMINER	
SHIN, CHRISTOPHER B	

ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/685,694	**Applicant(s)** CHUNG ET AL.	
	Examiner Christopher B. Shin	**Art Unit** 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2007*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-9* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *16 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☒ All b)☐ Some * c)☐ None of:
1.☒ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment received February 28, 2007 has been entered and carefully considered. Claims 1-9 are pending in the application. In response to the applicant's arguments, the examiner withdraws the Finality and reissues an office action as follows.

2. The applicant's past responses/amendment have repeatedly deferred responding to the examiner's rejections, and such actions will unnecessarily delay the examiner's effort to a compact prosecution. The examiner asks to applicant for better cooperation in order to establish the compact prosecution.

Double Patenting

3. For the following rejections, the examiner relies on the entire claims of the following copending applications/publications. A specific examples/discussions of the following rejections are only the examples teachings of the claims. This applies to all of the following rejections.

4. Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of copending Publication No. US2003/0049017. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application also claims substantially (i.e., functionally and/or operationally) identical claimed subject matter as follows (as following chart represents substantially equivalent teachings in view of the support of the specification):

Claims 1-9 (017) Publication

- An apparatus for reproducing AV data
    - Claim 29, "apparatus for reproducing AV data"

- using a markup document
    - Claim 29, "recorded...with a markup language document"
- in an interactive mode, comprising:
    - Claim 29, "presentation engine"
- a buffer which buffers the markup document
    - claims 29/30, "buffer memory storing content of the markup language...the AV data"
- a content decoder which interprets the markup document; and
    - claim 29, "AV decoder decoding the AV data stored (content of the markup language document) in the memory
- a buffer manager which manages the buffer to preload the markup document
    - claim 29, "memory storing a preload file relating a content of the markup language document"
- and informs the content decoder of whether preloading of the markup document is completed
    - claim 29 "reading the preload file to be preloaded from the memory and ...outputted by the AV decoder"

- wherein limitations of claims 2-9
    - Claim 17, "navigation data on the AV data, wherein the AV data is decoded in a AV data stream with reference to the navigation data", "the markup language document data comprises a preload list file including the file to be preloaded, and the preload information is implemented by an API which has location information & a property of the file of the preload list file as a parameter"

The difference between the claimed invention and the teachings of the (017) reference is that the (017) does not expressly disclose a specific interaction intermediate details between buffer manager and content decoder of the completion notification; however, such difference in limitation is an obvious characteristics of the (017) reference. This is because the (017) reference teaches the overall substantial identical result/consequence of the intermediate details. As can be seen from the above teachings of (017) reference (claims 29 and 17), the reference clearly supports the AV decoder that utilizes the already stored data in the buffer/cache memory (see claims 29-30). This means that there is a clear functional obvious communication between the buffer/cache memory and the decoder. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the (017), since the (017) reference teaches the substantially identical/equivalent teachings for performing the substantially identical results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Publication No. US2004/0139394. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Publication also claims substantially (i.e., functionally and/or operationally) identical claimed subject matter as follows (as following chart represents substantially equivalent teachings in view of the support of the specification):

Claims 1-9 (394) Publication

- An apparatus for reproducing AV data
    - Claim 1, "apparatus for reproducing AV data"
- using a markup document
    - Claim 1, "using a markup document"
- in an interactive mode, comprising:
    - Claim 1, "in an interactive mode, comprising"
- a buffer which buffers the markup document
    - claims 1, "buffer which buffers the document
- a content decoder which interprets the markup document; and
    - claim 1, "content decoder which interprets the markup document
- a buffer manager which manages the buffer to preload the markup document
    - claim 1, "buffer manager which manages the buffer to preload the markup document"
- and informs the content decoder of whether preloading of the markup document is completed
    - claim 2, "buffer manager informs the content decoder of the buffering state information "
- (claim 2) wherein the buffer manager informs the content decoder of whether the preloading of the markup document is completed utilizing an application program interface (API)
    - Claim 8, "buffer manager informs the content decoder of a buffering state information of the markup document utilizing an API"
- (claim 3) Wherein the buffer manager preloads the markup document into the buffer in response to a fetch signal
    - claims 4/9, "signal", "wherein preloading of the markup document succeeded"

- (claim 4) a content decoder which interprets the markup document and outputs the fetch signal, wherein the buffer manager informs the content decoder of whether a command to preload the markup document, included in the fetch signal, has been successfully received.
    - Claims 9/22, "content decoder which interprets the markup document...a reproduce signal", "the information of the buffer further includes information indicating whether preloading of the markup document is completed"
- (claim 5) wherein the content decoder generates the fetch signal using an API
    - claims 3, 6, 7, 11, 14, "content decoder generates ... signal"
- (claim 6) , wherein the buffer manager informs the content decoder of whether the command has been successfully received using the API.
    - Claim 8, buffer manger informs the content decoder of the markup document utilizing an API
- (claim 7), further comprising a content decoder which interprets the markup document, wherein the content decoder checks whether preloading of the markup document is completed using an API.
    - Claims 8/15/5, "content decoder generates a report signal ...being preloaded has been preloaded"
- (claim 8), wherein the API is an [obj].allDone Api
    - claim 5, "the API returns a value of 0 where the preloading of the markup document succeeded"
- (claim 9), wherein the [obj].allDone API returns a value of true to the content decoder where the preloading of the markup document is completed and returns a value of false to the content decoder where the preloading of the markup document is not completed.
    - Claim 5, "API returns a value of 0 where the preloading of the markup document succeeded, returns a value of 1 where the preloading of the markup document failed, and returns a value of 2 where the markup document is still being loaded"

The difference between the claimed invention and the teachings of the (394) reference is that the (394) does not expressly disclose a specific interaction intermediate details between buffer manager and content decoder of the completion notification; however, such difference in limitation is an obvious characteristics of the (394) reference. This is because the (394) reference teaches the overall substantially identical result/consequences of the intermediate details. This means that there is a clear functional obvious communication between the buffer/cache memory and the decoder. Therefore, the above intermediate details are taught by the (394) reference, thought it is not expressly disclosed by the (394) reference. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the (394), since the (394) reference teaches the substantially identical/equivalent teachings for performing the substantially identical results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-4, and/or 6-7 of copending Publication No. US2004/0139395. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Publication also claims substantially (i.e., functionally and/or operationally) identical claimed subject matter as follows (as following chart represents substantially equivalent teachings in view of the support of the specification):

Claims 1-9 (395) Publication

- An apparatus for reproducing AV data
    - Claim 1, "reproduce the AV data"
- using a markup document
    - Claim 1, "a markup document"
- in an interactive mode, comprising:
    - Claim 1, "in an interactive mode"
- a buffer which buffers the markup document
    - claim 1, "buffering state information of the markup document"
- a content decoder which interprets the markup document; and
    - claim 3, feature of a utilization of "control information includes an [obj.]isCached (URL, resType) API that generates a report signal...", this is also supported by the specification [0015]
- a buffer manager which manages the buffer to preload the markup document
    - claim 4, "control information includes an API that returns a value of) in response to preloading of the markup document being successful"

- and informs the content decoder of whether preloading of the markup document is completed
    - claim 7, "the control information includes an API that is used to determine whether preloading of the markup document is completed"
- (claim 2) wherein the buffer manager informs the content decoder of whether the preloading of the markup document is completed utilizing an application program interface (API)
    - claim 7, " the control information includes an API that is used to determine whether preloading of the markup document is completed"
    - (claim 3) Wherein the buffer manager preloads the markup document into the buffer in response to a fetch signal
        - claim 5, "the control information includes an API that generates a fetch signal used to issue a command to preload the markup document", "control information which is provided to identify buffering state information of the markup document to be preloaded"
    - (claim 4) a content decoder which interprets the markup document and outputs the fetch signal, wherein the buffer manager informs the content decoder of whether a command to preload the markup document, included in the fetch signal, has been successfully received.
        - Claims 3 & 4, feature of a utilization of "control information includes an [obj.]isCached (URL, resType) API that generates a report signal…", this is also supported by the specification [0015] & "the control information includes an API that returns a value of 0 in response to preloading of the markup document being successful"
    - (claim 5) wherein the content decoder generates the fetch signal using an API
        - feature of claims 3 & 5, "control information includes an [obj.]isCached (URL, resType) API that generates a report signal…", this is also supported by the specification [0015] "the control information includes an API that generates a fetch signal"
    - (claim 6) , wherein the buffer manager informs the content decoder of whether the command has been successfully received using the API.
        - Feature Claims 3 & 6, feature of a utilization of "control information includes an [obj.]isCached (URL, resType) API that generates a report signal…", this is also supported by the specification [0015], "API returns a response indicating whether the command to preload the markup document has been successfully transmitted using the fetch signal"
    - (claim 7), further comprising a content decoder which interprets the markup document, wherein the content decoder checks whether preloading of the markup document is completed using an API.
        - Feature Claims 3 & 6, feature of a utilization of "control information includes an [obj.]isCached (URL, resType) API that generates a report signal…", this is also supported by the specification [0015], "API returns a response indicating whether the command to preload the markup document has been successfully transmitted using the fetch signal"
    - Limitations of claims 8 & 9

- obvious feature of "control information" that is similar to the claims 2-7, more specifically, it is close to [obj].isCached(URL, resTy[e) API.

The difference between the claimed invention and the teachings of the (395) reference is that the (395) does not expressly disclose a specific interaction intermediate details between buffer manager and content decoder of the completion notification; however, such difference in limitation is an obvious characteristics of the (395) reference. This is because the (395) reference teaches the overall substantially identical result/consequences of the intermediate details. This means that there is a clear functional obvious communication between the buffer/cache memory and the decoder. Therefore, the above intermediate details are taught by the (395) reference, thought it is not expressly disclosed by the (395) reference. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the (395), since the (395) reference teaches the substantially identical/equivalent teachings for performing the substantially identical results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Publication No. US2004/014716. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Publication also claims

substantially (i.e., functionally and/or operationally) identical claimed subject matter as follows (as following chart represents substantially equivalent teachings in view of the support of the specification):

Claims 1-9 (716) Publication

- An apparatus for reproducing AV data
  - Claims 1, 5, 8-11, "reproducing AV data"
- using a markup document
  - Claim 1, 5, 8-11, "using a markup document"
- in an interactive mode, comprising:
  - 1, 5, 8-11, "in an interactive mode"
- a buffer which buffers the markup document
  - claims 10-11, "Controlling buffer manager to issue a response indicating whether the preloading of the markup document is completed"
- a content decoder which interprets the markup document; and
  - claim 11, "content decoder to generate an inquiry ...whether markup document is completed"
- a buffer manager which manages the buffer to preload the markup document
  - claim 11, "buffer manager to issue a response ...whet her the preloading of the markup document is completed"
- and informs the content decoder of whether preloading of the markup document is completed
  - claim 11, "buffer manager to issue a response ...whet her the preloading of the markup document is completed... in response to the inquiry" from the content decoder.
- (claim 2) wherein the buffer manager informs the content decoder of whether the preloading of the markup document is completed utilizing an application program interface (API)
  - Claim 9, "inquiring whether preloading of the markup document is completed using an API"
  - (claim 3) Wherein the buffer manager preloads the markup document into the buffer in response to a fetch signal
    - claim 9, "in response to a fetch signal, controlling a buffer manager to issue a response indicating whether a command to preload the markup document"
  - (claim 4) a content decoder which interprets the markup document and outputs the fetch signal, wherein the buffer manager informs the content decoder of whether a command to preload the markup document, included in the fetch signal, has been successfully received.
    - Claim 10, "content decoder to generate a fetch signal to preload the markup document" & "in response to the fetch signal, controlling a buffer manager to issue a response indicating whether a command to preload the markup document has been successfully received"
  - (claim 5) wherein the content decoder generates the fetch signal using an API
    - claims 2 & 3,
  - (claim 6) , wherein the buffer manager informs the content decoder of whether the command has been successfully received using the API.
    - Claims 5 & 10, "buffer manger indicate whether the preloading of the markup document is completed";

"preloading of the markup document is completed using API"

- (claim 7), further comprising a content decoder which interprets the markup document, wherein the content decoder checks whether preloading of the markup document is completed using an API.
    - Claims 5, 10- 11, "content decoder to generate an inquiry ...whether markup document is completed" & buffer manger indicate whether the preloading of the markup document is completed"; "preloading of the markup document is completed using API"
- (claim 8), wherein the API is an [obj].allDone Api
    - claim 6, "the API is an [obj].allDone API"
- (claim 9), wherein the [obj].allDone API returns a value of true to the content decoder where the preloading of the markup document is completed and returns a value of false to the content decoder where the preloading of the markup document is not completed.
    - Claims 6 & 11, "content decoder to generate an inquiry to determine whether preloading of the markup document is completed"; "return value of true in response to the preloading of the markup document being completed and a return value of false in response to the preloading of the markup document being not completed"; "inquiring whether preloading ...using [obj].allDone API"

The difference between the claimed invention and the teachings of the (716) reference is that the (716) does not expressly disclose a specific interaction intermediate details between buffer manager and content decoder of the completion notification; however, such difference in limitation is an obvious characteristics of the (716) reference. This is because the (716) reference teaches the overall substantially identical result/consequences of the intermediate details. This means that there is a clear functional obvious communication between the buffer/cache memory and the decoder. Therefore, the above intermediate details are taught by the (716) reference, thought it is not expressly disclosed by the (716) reference. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the (716), since the (716) reference teaches the substantially identical/equivalent teachings for performing the substantially identical results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Publication No. US2004/0143853. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Publication also claims substantially (i.e., functionally and/or operationally) identical claimed subject matter as follows (as following chart represents substantially equivalent teachings in view of the support of the specification):

Claims 1-9 (853) Publication

- o An apparatus for reproducing AV data
    - Claim 18, "reproducing AV data"
- o using a markup document
    - Claim 18, "using a markup document"
- o in an interactive mode, comprising:
    - Claim 8, "in an interactive mode"
- o a buffer which buffers the markup document
    - claims 18, "buffering the markup document"
- o a content decoder which interprets the markup document; and
    - claim 18, "staging the markup document for decoding"
- o a buffer manager which manages the buffer to preload the markup document
    - claim 18, "buffering the markup document to preload the markup document"
- o and informs the content decoder of whether preloading of the markup document is completed
    - claims 5 & 18, "determine whether the buffering of the markup document to preload the markup document succeeded" & "decoding in response to a retrieve signal"
- o (claim 2) wherein the buffer manager informs the content decoder of whether the preloading of the markup document is completed utilizing an application program interface (API)
    - Claims 5 & 18, , "API serves to determine whether the buffering of the markup document to preload the markup document succeeded" & "decoding in response to a retrieve signal"

- (claim 3) Wherein the buffer manager preloads the markup document into the buffer in response to a fetch signal
    - claim 18, "buffering the markup document to preload the markup document in response to a fetch signal"
- (claim 4) a content decoder which interprets the markup document and outputs the fetch signal, wherein the buffer manager informs the content decoder of whether a command to preload the markup document, included in the fetch signal, has been successfully received.
    - Claims 18/11, "staging the markup document for decoding in response to a retrieve signal" & "buffering the markup document to preload the markup document in response to a fetch signal" & "command to preload the markup document included in a the fetch signal"
- (claim 5) wherein the content decoder generates the fetch signal using an API
    - claims 14/16, "generating a fetch signal to preload the markup document", "generating a report signal to determine a buffering state of the markup document", "report signal comprises generating the report signal using an API"
- (claim 6) , wherein the buffer manager informs the content decoder of whether the command has been successfully received using the API.
    - Claim 8, buffer manger informs the content decoder of the markup document utilizing an API
- (claim 7), further comprising a content decoder which interprets the markup document, wherein the content decoder checks whether preloading of the markup document is completed using an API.
    - Claims 18/11, "staging the markup document for decoding in response to a retrieve signal" & "buffering the markup document to preload the markup document in response to a fetch signal" & "command to preload the markup document included in a the fetch signal"
- (claim 8), wherein the API is an [obj].allDone Api
    - claims 5/7, "outputting of the buffering state information includes returning a value of 0 in response to the markup document being successfully preloaded", "API serves to determine whether the buffering of the markup document to preload the markup document succeed or failed"
- (claim 9), wherein the [obj].allDone API returns a value of true to the content decoder where the preloading of the markup document is completed and returns a value of false to the content decoder where the preloading of the markup document is not completed.
    - claims 5/7, "outputting of the buffering state information includes returning a value of 0 in response to the markup document being successfully preloaded, returning a value of 1 in response to the markup document not being successfully preloaded, and returning a value of 2 in response to the markup document still being preloaded", "API serves to determine whether the buffering of the markup document to preload the markup document succeed or failed"

The difference between the claimed invention and the teachings of the (853) reference is that the (853) does not expressly disclose a specific interaction intermediate details between buffer manager and content decoder of the completion notification; however, such difference in limitation is an obvious characteristics of the (853) reference. This is because the (853) reference teaches the overall substantially identical result/consequences of the intermediate details. This means that there is a clear functional obvious communication between the buffer/cache memory and the decoder. Therefore, the above intermediate details are taught by the (853) reference, thought it is not expressly disclosed by the (853) reference. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the (853), since the (853Dd) reference teaches the substantially identical/equivalent teachings for performing the substantially identical results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of copending Publication No. US2003/0049017. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Publication also claims substantially (i.e., functionally and/or operationally) identical claimed subject matter as follows (as following chart represents substantially equivalent teachings in view of the support of the specification):

Claims 1-9 (017) Publication

- An apparatus for reproducing AV data
    - Claim 29, "reproducing AV data"
- using a markup document
    - Claim 29, "markup language document"

- in an interactive mode, comprising:
    - Claim 29, "presentation engine"
- a buffer which buffers the markup document
    - claim 30, "buffer memory storing the AV data"
- a content decoder which interprets the markup document; and
    - claim 29, "Av decoder decoding the AV data stored in the memory"
- a buffer manager which manages the buffer to preload the markup document
    - claim 29, "memory to store the preload file to be preloaded ....markup language document"
- and informs the content decoder of whether preloading of the markup document is completed
    - claim 29, "memory storing a preload file ...AV decoder decoding the AV data...presentation engine"
- (claim 2) wherein the buffer manager informs the content decoder of whether the preloading of the markup document is completed utilizing an application program interface (API)
    - Claims 5 & 17, , "the preload information is implemented by an API...which has the location information and property of the file to be preloaded as parameters"
    -
- Wherein limitations of claims 3-9
    - Claims 7, 8, 26, 29, "a presentation engine controlling the reader to read the preload file and the memory to store the preload file to be preloaded based on the preload information after interpreting the preload information included in the read markup language document...AV decoder", "preload information is implemented by an API", "API is a JavaScript API or a Java applet API", interpreting and executing an API"

The difference between the claimed invention and the teachings of the (017) reference is that the (017) does not expressly disclose a specific interaction intermediate details between buffer manager and content decoder of the completion notification; however, such difference in limitation is an obvious characteristics of the (017) reference. This is because the (017) reference teaches the overall substantially identical result/consequences of the intermediate details. This means that there is a clear functional obvious communication between the buffer/cache memory and the decoder. Therefore, the above intermediate details are taught by the (017) reference, thought it is not expressly disclosed by the (017) reference. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the (017), since the (017) reference teaches the substantially identical/equivalent teachings for performing the substantially identical results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of copending Publication No. US2004/0247292. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Publication also claims substantially (i.e., functionally and/or operationally) identical claimed subject matter as follows (as following chart represents substantially equivalent teachings in view of the support of the specification):

Claim 1 (292) Publication

- An apparatus for reproducing AV data
    - Claim 1, "reproducing AV data"
- using a markup document
    - Claim 1, "using a markup document"
- in an interactive mode, comprising:
    - Claim 1, "in an interactive mode"
- a buffer which buffers the markup document
    - claim 2, "buffer memory to buffer the AV data"
- a content decoder which interprets the markup document; and
    - claim 2, "decoder to decode bye buffered AV data"
- a buffer manager which manages the buffer to preload the markup document
    - claim 2, "buffer memory to buffer the AV data; a decoder to decode the buffered AV data". "presentation engine"
- and informs the content decoder of whether preloading of the markup document is completed
    - claim 2, "buffer memory to buffer the AV data; a decoder to decode the buffered AV data". "presentation engine"

The difference between the claimed invention and the teachings of the (292) reference is that the (292) does not expressly disclose a specific interaction intermediate details between buffer manager and content decoder of the completion notification; however, such difference in limitation is an obvious characteristics of the (292) reference. This is because the (292) reference teaches the overall substantially identical result/consequences of the intermediate details. This means that there is a clear functional obvious communication between the buffer/cache memory and the decoder. Therefore, the above intermediate details are taught by the (292) reference, thought it is not expressly disclosed by the (292) reference. Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the (292), since the (853Dd) reference teaches the substantially identical/equivalent teachings for performing the substantially identical results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

11. Applicant's arguments filed September 20, 2006 have been fully considered but they are not persuasive.

a. On page 3, line 6 of REJECTIONS UNDER 35 U.S.C. 102 OR 103 section, the applicant acknowledges that the claims 25-33 of Lamkin et al (729) are identical to claims 1-9 of the present publication; the examiner agrees with the applicant.

b. On page 3, last paragraph, the applicant stated that the Lamkin et al. (729) copied the applicant's claim; the examiner agrees with the applicant.

c. On page 4, first paragraph-fourth paragraph, the applicant augured that the "language of the copied claims *per se* cannot be used as a reference against the present applicant". The examiner disagrees with applicant's argument. The Lamkin et al. (729) has an effective filing date of August 21, 2001 or earlier (e.g., CIPs). Most importantly, applicant failed to provide any evidences or demonstration that the copied claims 25-33 are not supported/not part of the Lamkin et al. teachings. The examiner has clearly rejected the present claims with Lamkin reference which clearly has an earlier effective filing date and the teachings of the present claims; this meets the statue under 35 USC 102(e)/103(a). The applicant should carefully read the entire teachings of Lamkin and provide the proofs & evidences as to why the Lamkin reference cannot be used in the art rejection.

For the above reasons, in response to the applicant's argument, the examiner added/modified the art rejection without changing the thrust of the rejection as follows.

Claim Rejections - 35 USC § 103

12. Claims 1-9 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lamkin et al (US 2005/0278729 A1).

d. The examiner relies on the entire teachings of Lamkin as a whole. The applicant should carefully consider the entire teachings of Lamkin reference. Any further issues/arguments/teachings regarding these present applications, the entire teachings of Lamkin will be relied upon & should not be considered as new ground of rejection.

e. After carefully reviewing the teachings of claims 25-33 and the respective sections, the examiner strongly believes that the combinations of claims 25-33 are exactly and or substantially identical. In other words, the language used in the Lamkin reference seems to be either exactly and or substantially identical. More specifically, the teachings of figures 6-7 and accompanying description sections teach the claimed invention.

f. The Lamkin reference teaches all of the limitations as follows:

Claims 1-9	Lamkin Refernece Claims
Claim 1	Claim 25
Claim 2	Claim 26
Claim 3	Claim 27
Claim 4	Claim 28
Claim 5	Claim 29
Claim 6	Claim 30
Claim 7	Claim 31
Claim 8	Claim 32
Claim 9	Claims 33

Claims 1-9	Figures 6-7 of Lamkin & accompanying descriptions
An apparatus for reproducing AV data using a markup document in an interactive mode	System of figure 6-7
Buffer which buffers the markup document	(206, 740)
A content decoder which interprets the markup document	

  - (410, 426, 710, 726, 736, 742,)
- A buffer manager which manages the buffer to preload the markup document and informs the content decoder of whether preloading of the markup document is completed
  - (410, 742)
- limitations of dependent claims
  - See further descriptions of figures 6-7 and the accompanying description section.

g. Since the Lamkin reference teaches all of the substantially/exactly identical teachings, the claimed invention is anticipated or obvious from he teachings of the Lamkin reference. In case of substantially identical situation, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of Lamkin reference, since the motivation & basic teachings are substantially disclosed by the Lamkin reference.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHRISTOPHER SHIN
PRIMARY EXAMINER
OF 2181

May 1, 2007
cbs